

Braille Monitor



JULY, 1984

VOICE OF THE NATIONAL FEDERATION OF THE BLIND



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THE BRAILLE MONITOR

PUBLICATION OF THE
NATIONAL FEDERATION OF THE BLIND

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THE BRAILLE MONITOR

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* * *

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THE NATIONAL FEDERATION OF THE BLIND IS NOT AN ORGANIZATION
SPEAKING FOR THE BLIND—IT IS THE BLIND SPEAKING FOR THEMSELVES

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JIM HUDSON APPOINTED COMMISSIONER OF SERVICES FOR THE BLIND IN ARKANSAS

by Bean Hudson

On April 28, Jim Hudson, President of the National Federation of the Blind of Arkansas, was selected by a unanimous vote of the agency board to be the first commissioner of the Arkansas Division of Services for the Blind. The appointment ended a three-month process to find the right person to head the newly created agency.

The Division of Services for the Blind was established by Act 481 of 1983, sponsored by State Representative John E. Miller and signed into law by Governor Bill Clinton. Supported by most organizations of and for the blind in Arkansas, and initiated by the NFBA, this legislation removed the State Agency for the Blind from the general rehabilitation agency and established it within the Department of Human Services with a board appointed by the Governor. A majority of the governing board must be blind, and is made up of: one representative each from the National Federation of the Blind, the American Council of the Blind, the American Association of Workers for the Blind, the Arkansas School for the Blind, Lions International, plus two members at large. Searcy Ewell, immediate past president of NFBA, serves on this board.

Jim brings to this new position fourteen years of experience as an MSW having worked as a social worker for United Cerebral Palsy and as the director of the state's protection and advocacy

program for the developmentally disabled in the offices of Governors Pryor and Clinton. Since 1980 he has been director of Advocacy Services, Inc. serving the developmentally disabled statewide. He has served as the chairman of the Board of Social Work Registration, and Vice Chairman of the Developmental Disabilities Services Advisory Committee, as well as on the Advisory Committee to the Office for the Blind and Visually Impaired, and on the Governor's Committee for Persons with Disabilities. He was also a delegate to the White House Conference on Handicapped Individuals. Arkansas Federationists know him best as the leader of the NFBA, having elected him for four terms.

The Board of the Arkansas Division of Services for the Blind is to be commended for taking the bold step of selecting Jim. There is a great challenge to be faced to improve services to the blind of Arkansas. The job will require innovative ideas and creative approaches to using limited resources to their best advantage. Even though Jim will resign as President of the Arkansas affiliate, the members of the NFBA feel that, for the first time, the blind of the state will be able to work with the state agency and its board to improve services and opportunities for all blind Arkansans. A new era has begun.

Here is how the appointment was reported in the April 30, 1984, edition of

the Arkansas Gazette

State Agency for Blind Picks First Director

The Board of Directors of the Arkansas Division of Services for the Blind Saturday named Jim Hudson, 42, of Little Rock, a long-time advocate of handicapped persons, as the agency's first commissioner.

Hudson, who is blind, is director of Advocacy Services, Inc., a non-profit organization that assists the handicapped in civil rights and education cases. He is president of the Arkansas chapter of the National Federation of the Blind.

Hudson will begin work at the agency, which was established in 1983 and has an

annual budget of \$2 million, in mid-May. A native of Jonesboro, Hudson was hired in 1977 by then-Governor David Pryor as the first director of the Arkansas Developmental Disabilities Advocacy Agency. That program was operated out of the governor's office until 1980, when it became an independent, incorporated organization.

He received a bachelor's degree in sociology from Arkansas State University in 1968 and a master's degree in social work from the University of Arkansas in 1970. Hudson attended the Arkansas School for the Blind for two years and graduated from Jonesboro High School in 1961.

The seven-member Board selected Hudson on the recommendation of Governor Bill Clinton from a field of 15 applicants. The Board has not determined the director's salary.

THE PARADE OF AIRLINE MADNESS CONTINUES

by Kenneth Jernigan

As a general rule I am not astonished at acts of discrimination against the blind. I do not necessarily expect them to occur in a given situation, but I am not surprised when they do. However, I must say that the increasing frequency of bizarre problems which blind people are experiencing with the airlines is difficult to understand.

In the 1950's and before, blind persons almost never were treated differently from others in air travel. I

know, because I was constantly traveling at that time—all over the country and on almost all of the airlines. If you needed assistance, you asked for it, and it was given without much fuss or fanfare. If you didn't need assistance, you were generally left alone. You might be asked whether you wanted help, but if you said no, it was not an international incident or a major confrontation. It was simply routine and run-of-the-mill.

With respect to where you sat in the airplane, what you did with your cane, or how you handled your dog, it was pretty much up to you. The flight attendant (in those days it was always a woman, and she was called the "stewardess") might ask you if you wanted her to take your cane, but that was all there was to it. If you didn't, she thought nothing about it. She only asked the question as a matter of courtesy, much as she might about your coat or your briefcase. In fact, sometimes the stewardess might ask you if you would mind keeping the cane at your seat since the closet was not so constructed as to make it easy to stow it there.

Then, as more disabled people began to travel, apparently airlines commenced to feel that they ought to be "concerned" and that they must be very certain to take care of and look after such people. There was also a lot of talk about "accessibility," which may have relevance to some disabled groups in air travel (people in wheelchairs, for instance) but which has no importance or significance to the blind. Airplanes are as "accessible" to us as they are to anybody else.

Be that as it may, the blind got lumped in with all of the other disabled groups, and the talk about safety and looking out for our welfare (which was mostly nonsense to begin with) simply meant making silly rules, imposing unreasonable limitations on where we could sit and what we could do, and restricting our right to move about in the world and take care of our business as others do.

During the past few years we have been engaging in a seesaw battle with the airlines to try to get them to see rea-

son and treat us as normal citizens with the same rights as others. We have made a fair degree of progress in the struggle, but within the last year the number and kinds of incidents and confrontations have increased very markedly. In fact, some of the behavior of airline personnel (behavior which they always claim is based on FAA rules or their own policy) borders on what can only be termed madness. First we were told by some of the airlines that we could not sit in exit rows. Recently American has said that we are not only prohibited from sitting in the exit row but also in the row in front of it and behind it. If the trend continues, one has to wonder whether we will soon be barred from the airplane altogether—all for our own safety and comfort, of course, or for the safety and comfort of other passengers.

Not only do these insane so-called "rules" keep popping up, but the defensiveness and emotional behavior of airline personnel seems to be intensifying to keep pace. All of a sudden it is as if we are dealing with people who are totally demented. All one has to do is remember some of the circumstances involving the forcible removal of blind people from planes, the calling in of police, the physical attacks by airline personnel on blind persons, the screaming and yelling, and the actual bodily injuries. It is getting to the place that every time a blind person goes to an airport, he or she has to wonder whether there will be courteous and reasonable treatment or literally physical combat with people who seem to have taken leave of their senses. As we have said before in the pages of the Monitor and elsewhere, we are prepared to be

patient and long suffering, but we are not prepared to be treated as if we were children, slaves, or chattels. The situation is moving toward explosion. Let us hope that reason prevails before someone is seriously injured or things get so out of hand that a new dimension of ill will and confrontation becomes inevitable.

One of the latest incidents is illustrative of what I have been saying. Blind people have been flying on Boeing 747 airplanes since they were first put into service. The distinguishing feature of the 747 is it is a two-deck configuration in the forward part of the plane. I have sat in both the upper level and the lower; and for the life of me I cannot see why one area is safer or more hazardous than the other—unless, of course, one takes the position that blind people are unable to climb or descend stairs as rapidly and safely as others. I have never before heard of any blind persons being refused the right to sit on the upper level of a 747. Yet, that is exactly what recently happened.

Wesley Blackman is a long-time member of the Federation. He is a quiet, reasonable, and peaceable individual. He goes about his business in the normal manner and only asks of others that they do the same. Not long ago I received a letter from Wesley. It tells its own story and sharply points up the necessity of decisive action on our part in dealing with the increasing airline problems. Enough is enough, and the blind have had it. Here is Wesley Blackman's letter, along with the answer he received from the airline:

Dallas, Texas
April 28, 1984

Ms. Kay Lyons
Transamerica Airlines
Oakland International Airport
Oakland, California

Dear Ms. Lyons:

This letter is in follow up to our phone conversation of April 23, 1984.

As I stated in our conversation, I used your flight 2 from Dallas to St. Louis on Sunday, April 22, 1984. Ms. Honor was the agent checking in the flight. I asked her if I could be seated on the upper level. She answered yes and assigned me to seat 1-K on the upper level. When I boarded the aircraft, two flight attendants questioned the seat assignment because of my safety because I am blind. I assured them there would be no problem and proceeded to seat 1-K.

During a ten-minute period after I talked to the flight attendants, Mr. Osmo Soljavikta, the senior flight attendant, told Mr. Windell, the senior agent, that I could not sit in seat 1-K because company regulations and FAA regulations would not allow me to sit in the upper level.

About ten minutes later after I sat down, Mr. Windell came up to me and told me that I would have to move. I told him that I was fine. It was at that time he told me about the regulation. I told him if he produced a copy of the regulation, I would move. He did, and I moved. I ended up sitting in seat 13-A. He also advised me that Ms. Honor would be "talked to about this matter."

Ms. Lyons, I am deeply offended by the actions that occurred on April 22, 1984.

What Mr. Windell and Mr. Soljavikta did have done considerable damage to blind people. These actions help to reinforce the attitudes that blind people can't compete as first-class citizens in our everchanging society.

I am requesting the following action be taken on my behalf:

1. A refund of the \$49.00 paid for ticket #8594100060057.

2. Round-trip transportation on a Transamerica flight from Dallas on a positive space basis with an assured window seat on the upper level and any other expenses related thereto.

3. A copy of regulation 2-10-02.

4. Any action that was taken, is being taken, or will be taken against Ms. Honor be stopped and/or rescinded.

5. Any information that was placed in, is being placed in, or might in the future be placed in Ms. Honor's personnel file about this incident be removed.

6. A written apology to Ms. Honor for being "talked to" about this incident.

As far as I am concerned, Ms. Honor acted in the correct manner in assigning me to seat 1-K. Her actions proved that she felt like I could function and had the right to be treated like any other passenger on that flight.

I am enclosing a brochure entitled "What Is The National Federation of the Blind." This information confirms that blind people can compete with the rest of the sighted world.

I am also sending a copy of this letter to Dr. Kenneth Jernigan, President, National Federation of the Blind, 1800 Johnson Street, Baltimore, Maryland 21230, for what actions he might want to take to see that the rights of blind people are protected, and I feel this

includes the right to sit on the upper level of a 747.

Thank you for your time and consideration in this matter.

Sincerely yours,
Wesley Blackman

Oakland, California
May 8, 1984

Dear Mr. Blackman:

This is in response to your letter dated April 28 and our recent telephone conversations regarding your seating assignment on our 747 aircraft from Dallas to St. Louis on April 22, 1984.

As previously stated I have checked the information provided in your letter and find the Senior Flight Attendant was correct in having you move from Seat 1K in the Upper Deck to the lower level. Please understand Mr. Blackman, this was not an arbitrary reaction but an FAA and Company Regulation intended to provide safety for yourself and other passengers as well. In the event of an emergency, maneuvering the spiral stairs on the 747 by a partially sighted passenger could certainly delay evacuation procedures.

In view of the above, Transamerica Airlines cannot refund the \$49.00 which you paid for this trip, nor can we provide you with an additional round trip ticket for a future flight. Please be assured that no action has been or will be taken against Ms. Honor Collins, our representative in Dallas.

We do sincerely apologize for any inconvenience or embarrassment you experienced on this flight. We hope you will fly with us again and your future

travels will be entirely satisfactory.

Sincerely,

Transamerica Airlines
Kay Lyons, Manager
Consumer Affairs

ALASKA AIRLINES: AN OPTIMISTIC NOTE

Apparently not every airline official in the entire world is insane. That is a comforting thought. Some of these officials seem capable of reasoning and actually arriving at logical conclusions:

Mission Viejo, California
April 19, 1984

Mr. Reese Gilstrap
Vice President, Passenger Relations
Alaska Airlines
Seattle, Washington

Dear Mr. Gilstrap:

This letter will follow up my meeting with you on March 9, 1984. As you will recall, I met with you in order to convey my displeasure and concerns over the treatment afforded to me and my dog guide on Alaska Airlines flight 119 on March 8, 1984. Let me briefly summarize the sequence of events surrounding my complaint to you.

On Thursdsy, March 8, I had occasion to fly on Air Cal, flight 349 from Los Angeles to San Jose connecting with flight 831 on to Seattle. When I arrived in San Jose I found that Air Cal flight 831 was overbooked. At the request of Air Cal I agreed to fly to

Seattle on Alaska Airlines flight 119. I subsequently booked my reservation and was assigned seat 16F at the Alaska Airlines ticket counter.

Just as boarding commenced I was approached by a man who identified himself as a ticket agent. He asked for my boarding pass, explaining that my seat assignment needed to be changed. I asked the reason for the seat change. He stated that the FAA required that all blind passengers with dog guides be seated in the bulkhead row. I explained to him that I knew of no such requirement and that I always sat in a nonbulkhead seat. I further explained that my dog would lay under the seat in front of me and, therefore, would not be in danger of injury in case of air turbulence during the flight. The gentleman left me saying that he would check his regulations regarding the bulkhead seating requirement. Within a few minutes he returned and told me that Alaska Airlines required that blind persons with dog guides sit in a bulkhead row. I again stated why it was unsafe for me to sit in the bulkhead row with my dog guide. I was told that either I would sit in the bulkhead row or I would not be allowed to board flight 119. I asked to speak to the supervisor.

I was introduced to Sheila O'Keefe. I explained to Sheila my reasons for want-

ing to sit in a nonbulkhead row. I further explained that I was an experienced air traveler. Ms. O'Keefe informed me that Alaska Airlines' policy was that I would have to sit in the bulkhead row. She said that she would be happy to check with the captain of the aircraft (Captain Caley) to see if an exception could be made. She left me standing at the gate counter. Within a few moments she returned with another woman who she introduced as Randi Bischoff, the senior flight attendant for flight 119. Ms. O'Keefe told me that the captain said that he would not make an exception in my case. Ms. Bischoff said that it has always been the practice of the airline to seat blind passengers in the bulkhead row because of the extra room afforded to the dog. I again explained why bulkhead rows were unsafe for the dog. Ms. O'Keefe told me that what I said didn't matter and that I would have to make a choice to either sit in the bulkhead row or not travel on flight 119. I asked if there were other flights to Seattle that evening from San Jose. Upon learning that there were none, and since I had a business appointment in Seattle early the following morning, I chose to sit in the bulkhead row.

During the flight I had occasion to talk further with Ms. Bischoff. I explained to her in depth the problems in bulkhead seating and showed her why it was uncomfortable for me and other passengers to sit in a bulkhead row with a dog guide. Upon landing I showed her how a dog guide could lie under a non-bulkhead seat without interfering with any air passenger.

The next day I contacted you and we met late that afternoon to discuss the

problem. As I explained to you, the incident on flight 119 is not unique. Through our representative organization, the National Federation of the Blind, we have attempted to work with airlines to change the misconceptions about dog guide users. Several airlines, including Delta and Frontier, have already recognized that special seating requirements are unnecessary and, in fact, are condescending and discriminatory.

During our meeting you expressed concern over what had happened to me the previous evening. You said that you were in a position to assist in changing any policy that is detrimental to your consumers. I urge you to develop a fair and equitable policy concerning the air travel of blind passengers with dog guides. The National Federation of the Blind has the collective experience to assist you in this matter. We who are blind are in the best position to know our needs and capabilities. We are happy to share our collective knowledge and experience with you as you formulate a better and more reasonable policy.

I am enclosing some literature about the National Federation of the Blind for your information. I hope that it will provide you with a better understanding of blindness and blind people.

From the concern you expressed at our meeting, I know that you will consider what I have said here and the information I am sending you. If you would like to discuss this issue further, please feel free to contact me at 714-770-7170. I look forward to hearing from you in the near future.

Cordially,
Michael Hingson

DON'T UNDERESTIMATE HER BITE

by Kenneth Jernigan

In the April, 1984, issue of the Monitor we carried an article entitled "Howard Craig Man of Determination." It was the story of how Howard Craig (a blind Iowan, a staunch Federationist, and a graduate of the Iowa Commission for the Blind in the days when that organization stood for self-reliance and independence) had an encounter with a would-be attacker on the streets of Des Moines. The man tried to take Howard's money, but Howard went for him. When the battle was over, the man fled. He had nothing for his effort but several injuries and perhaps a lesson in humility. Howard still had his money.

Now, it has happened again—not with Howard but with another blind Iowan, Tami Dodd. On May 7, 1984, she was walking down the street in Des Moines minding her own business when a man tried to take her purse. As reported by that well-known oracle of truth, the Des Moines Register, Tami wasn't having any of it. She grabbed him and sank her teeth into his neck and, without turning loose, ask him whether he had had enough. He pleaded for mercy.

Tami fits the same mold as Howard. She learned her Federationism well, and she lives it on a daily basis. She was one of my students in the mid-seventies at the Iowa Commission for the Blind, and I used to tease her about being more self-assertive and not simply following like a sheep. She learned her lesson

well. She is modest and decorous in her behavior, but don't try to push her around or attempt to steal her purse or see whether you can frighten her. You may end up on the short end of it. Tami Dodd, Howard Craig, and many other Iowans are tough minded and independent. They know who they are; they know where they have been; and they have no intention of going back. Here is the article about Tami's experience as it appeared in the May 9, 1984, Des Moines Register:

Blind Woman's Bite Leaves Its Mark On a Street Thief

by Tom Alex
Register Staff Writer

She's legally blind and uses a long white cane when she walks, but Tami Dodd, a 24-year-old Drake University student, can see well enough to provide police with a detailed description should the need arise.

She had her chance Monday evening.

Imagine a would-be purse snatcher's surprise when Dodd—after biting the man on the neck and making him promise to leave her alone—told her assailant she could see and identify him.

When it was over, Dodd described her attacker as a black, slim man in his

early 20's, 5 feet 9 inches to 6 feet tall, with short dark hair and no facial hair. She also told police he was wearing a blue cap and blue windbreaker. Police also know that the man will have teeth marks on his neck.

"He reminded me of a big bully," said Dodd. "I had my purse stolen from my apartment before, and I didn't want to let that happen again if I could help it. When I lost my purse last time it cost me about \$100 to replace everything that was in it."

She noticed the man walking east while she was walking west in the 1600 block of School Street about 6:25 p.m.

"He doubled back and started following me," she said. "Then he came up and said he wanted by purse. He tried to intimidate me with how tall he was. I'm only 5-4. I said, 'Forget it,' or 'Get lost,' or something like that," she recalled Tuesday.

But the would-be purse snatcher was determined. Dodd kept walking, moving her white cane, but the young man continued to block her path. And then he

leaned over and tried to reach for the purse while they were near the intersection of Eighteenth and School streets.

Dodd saw his neck near her face and seized the opportunity to sink her teeth into it.

Holding the man's flesh between her teeth, Dodd managed to say, "Are you going to leave me alone now?"

"Yeah, let me go. Let me go," the man said. But after Dodd released her grip, the man threatened to "mess up (her) face."

Said Dodd, "I told him I could identify him. And I told him if he didn't leave me alone I'd start screaming my head off. He said something else so I started screaming."

The man left. No arrest has been made. But Dodd still has her purse. It contained \$1.

"I just didn't want to have to replace everything in it again. It's a real hassle."

She said she is going to give up walking in that area of town.

JUSTICE PREVAILS IN IOWA

THE COURT HANDS DOWN ITS DECISION

On Friday, May 18, 1984, the Honorable Rodney Ryan, Judge of the Fifth Judicial District, in and for Polk County, Iowa, handed down a decision of far-reaching importance not only to the blind of Iowa but also to the blind of the entire nation. He held Sylvester Nemmers and

his close associates in contempt of court and ordered them to return to the Federation monies which they had "fraudulently and wrongfully misappropriated and converted to their own use and purpose. . . ." The decision is an utterly devastating blow to the Nemmers group.

It emphasizes that we are a nation of law and that courts will uphold and enforce the provisions of the Constitution of the National Federation of the Blind.

As Monitor readers will remember, John Taylor (shortly after becoming Director of the Iowa Commission for the Blind) violated the trust of his fellow Federationists and began to defect from the movement. As Commission Director he had power, and a great many of the staff followed him. When the staff of the Commission attempted to take control of the Federation affiliate and to have the affiliate operate in violation of the democratic processes and the policies of the national organization, action had to be taken.

Attempts were made to get John Taylor, Sylvester Nemmers, and others to reconsider their actions and abide by fair play and Federation policies, but they would have none of it. Finally the national Board (in an action later confirmed by the national convention) expelled Nemmers and reorganized the affiliate. Nemmers, Taylor, and their group refused to accept the decision of the national body. It was necessary to take them to court to get justice. In June of 1982 the court ruled that Nemmers and his followers could not use the name National Federation of the Blind or any variant thereof but that the national organization did not have the power to reorganize the affiliate. There was great glee and much chortling on the part of the Nemmers group.

In the meantime the Federation appealed the decision, and the reorganized, and rightful, National Federation of the Blind of Iowa (Peggy Pinder, President) went about its business and

started the process of rebuilding and strengthening. The Appeals Court entered its decision August 30, 1983, reversing the lower court and upholding the actions which the National Federation of the Blind had taken. It was during this time period that large sums of money were withdrawn from the bank accounts of the National Federation of the Blind of Iowa by the people that the Appeals Court was saying were not officers or even members. Of course, improper expenditures had been being made all along by the Nemmers group.

The Appeals Court instructed the lower court to enter judgment in favor of the true affiliate, the one which was reorganized and which was and is recognized by the National Federation of the Blind. The Taylor-Nemmers group asked the Supreme Court to reconsider the action of the Appeals Court. The Supreme Court refused. The lower court issued its Order December 8, 1983, requiring the Taylor-Nemmers group to turn over to the affiliate all of its assets which they possessed and to cease using any derivative of the name, either Iowa Association of the Blind or National Federation of the Blind of Iowa. Although the Taylor-Nemmers group ponied up some \$30,000, the court was later to find that their compliance with its Order was "grudging, dilatory, and partial." In fact, as records began to be received, it became clear that there had been a great deal of mis-spending of Federation money by the Nemmers group. When asked for a full accounting and for restitution, they refused.

In January of 1984 Jo Ann Slayton (the current President of the Taylor-Nemmers group) widely distributed a letter saying: "I am writing this letter to let

you know that our organization, formerly known as the Iowa Association of the Blind, is currently incorporating under the name United Blind of Iowa (UBI)." This, of course, was not true and was in direct violation of the Order of the court.

When it became clear that further negotiation was useless, the National Federation of the Blind of Iowa asked the court to cite the Taylor-Nemmers group for contempt. The decision was handed down on Friday, May 18, 1984, and (although the Taylor-Nemmers group will doubtless find it humiliating and feel that it was harsh) it was mild in the circumstances.

It is perhaps ironic that John Taylor (who is generally regarded as the principal leader of the dissident faction) was not mentioned in the Order. He goes free while his followers are left with judgments against them of more than \$15,000 and warnings of punishment if they do not promptly comply with the court's Order. Jo Ann Slayton has the unpleasant task of sending a letter of retraction to everyone who received her January letter, and she must provide proof to the court of her compliance.

As part of this article we are printing the following documents: 1) the decision handed down by the Appeals Court August 30, 1983; 2) the Judgment Entry of the Trial Court December 8, 1983; 3) the letter distributed by Jo Ann Slayton in January of 1984; 4) the Contempt Order issued by Judge Ryan May 18, 1984; and 5) an article from the Des Moines Register of May 19, 1984, headlined "Four Who Clung to Assets of Blind Group in Contempt."

The National Federation of the Blind never willingly enters a battle. It is

better to settle things by negotiation and reason if such can be accomplished. However, we have learned by long experience that it does not pay to submit to pressure and intimidation. Perhaps this article and its attached documents should be read and pondered by those who feel that they can beat us into submission or violate our rights. It is not for nothing that we say: We know who we are, and we will never go back.

APPEALS COURT DECISION

AUGUST 30, 1983

IN THE COURT OF APPEALS OF IOWA

IOWA ASSOCIATION OF THE BLIND d/b/a
NATIONAL FEDERATION OF THE BLIND OF
IOWA, PEGGY PINDER, ROBERT RAY,
CHARLES ERICKSON, H.E. STUTTERS, and
CHERYL FINLEY,

Plaintiffs-Appellants/
Cross-Appellees,

vs.

SYLVESTER NEMMERS, as purported
President of an association pretending
to be the plaintiff, and as an indi-
vidual, PATRICK SCHOLL, as purported
Treasurer of an association pretending
to be the plaintiff; and An ASSOCIATION
pretending to be the plaintiff, Syl-
vester Nemmers, President,

Defendants-Appellees/
Cross-Appellants.

Filed August 30, 1983
3-104/2-69030

Appeal from Polk District Court—J.P. Denato, Judge.

Plaintiffs appeal and defendants cross-appeal from the decree in this action for declaratory and injunctive relief to enforce plaintiffs' right to organizational offices, trade names, and assets. AFFIRMED IN PART, REVERSED IN PART, AND REMANDED.

Eugene Davis and Robert C. Rouwenhorst of Davis, Grace, Harvey, Horvath, Gonnerman & Rouwenhorst, Des Moines, for plaintiffs-appellants.

Alan A. Anderson of Phipps, Le Tourneau, Anderson, Phipps & Runyon, Des Moines, for defendants-appellees.

Heard by Oxberger, C.J., and Donielson, Snell, Schlegel, and Hayden, J.J.

DONIELSON, J.

Plaintiffs appeal and defendants cross-appeal from the decree in this action for declaratory and injunctive relief to enforce plaintiffs' right to organizational offices, trade names, and assets. Plaintiffs assert that the national organizations's right to reorganize the Iowa affiliate was established by contract and that any rights of defendants were waived by failure to exhaust internal organizational remedies. Defendants assert that the trial court should have recognized their right to use of the trade name at issue as well as their right to local organizational offices and assets. Since this action was in equity, our review is de novo. Iowa R. App. P.4. We affirm in part, reverse in part, and remand.

This case involves the struggle be-

tween two competing factions for control of the Iowa Association of the Blind, doing business as the National Federation of the Blind of Iowa ("NFBI"), the state affiliate of the National Federation of the Blind ("NFB"), a Washington, D.C. corporation. Plaintiffs claim to be the rightful officers of the NFBI and have maintained their allegiance to the policies of the national organization and its president, Dr. Kenneth Jernigan. Defendant Nemmers was first elected president of the NFBI in 1970 and has retained that office at least until May, 1981, when the events giving rise to this action occurred; i.e., the NFB expelled Nemmers from that organization, removed him as NFBI president and reorganized the Iowa affiliate. This reorganization led to the election of plaintiffs as the new NFBI officers. Nemmers, defendant Scholl, and others claim to be the rightful NFBI officers, alleging that the NFB's actions in May of 1981 were without authority and therefore had no effect on the then-existing NFBI organization. A pre-trial order of March 8, 1982, listed the issues to be resolved as follows:

1. Who are the rightful officers and directors of the Iowa Association of the Blind, d/b/a National Federation of the Blind of Iowa.

2. Who is entitled to use the names Iowa Association of the Blind, National Federation of the Blind of Iowa, or substantially similar variations thereof, including abbreviations or initials.

3. Who is entitled to properties and monies raised, owned or held in the name of the Iowa Association of Blind or National Federation of the Blind of Iowa and an accounting of such properties and monies.

I.

The national organization was formed in 1940 and was incorporated under District of Columbia law in 1949 for the purposes of promoting the rights and interests of blind people. The NFB is composed of state and local affiliates and chapters throughout the nation. The Iowa Association of the Blind was created at the turn of the century, became an affiliate of the NFB in 1941 (and has been ever since), and was incorporated under Iowa law in 1946. The Iowa Association changed its name in 1971 to the National Federation of the Blind of Iowa. This was done to conform to the trend in which the various state affiliates were changing their names so as to include the phrase "National Federation of the Blind" or variations thereof. This name was trademarked and copyrighted by the NFB in 1971 which also issued that year a new charter of affiliation to the NFBI.

Beginning about 1980, there emerged a number of disputes between Nemmers (and other members of the Iowa affiliate) and the policies of the National Federation. These disputes came to a focus in connection with appeals that were taken to the National Board regarding questioned elections in the Des Moines and Orientation Alumni chapters of the NFBI in the fall of 1980. On November 10, 1980, Jan Ray wrote to Dr. Jernigan appealing a decision of the NFBI regarding an election and other proceedings in the Des Moines Chapter. On the same date, Cheryl Finley wrote to Jernigan appealing the NFBI's action regarding elections and proceedings in the Orientation Alumni Chapter.

On November 18, 1980, Jernigan wrote

to Nemmers and the two complainants giving them notice that the NFB Board of Directors would consider the matters at a meeting to be held November 29, 1980. Nemmers was invited to attend or send written statements. He did not attend the meeting, but sent two letters, dated November 18, 1980 and November 24, 1980, enclosing various materials. On November 29, 1980, the NFB Board, after meeting and considering the matter, issued its "Findings of Fact and Statement of Policy," which, among other things, stated that the two elections in question were illegally called and held, and were null and void, and that other elections held in these chapters were the legal elections, and the officers thereby elected were the lawfully elected officers. The Resolution called on the NFBI Board of Directors to take note of the National Board's Finding of Fact and Statement of Policy and to act accordingly. On January 10, 1981, the Iowa Board, in defiance of the ruling of the NFB Board, issued its own "Finding of Fact and Statement of Policy." The Iowa Board made contrary findings and statements as to these two elections (and other things), and indicated that it would not carry out the decision of the National Board. These "Findings" were sent to Jernigan with a letter from Nemmers dated March 6, 1981. On March 24, 1981, Jernigan wrote Nemmers, again asking the Iowa affiliate to withdraw from its position. On April 17, 1981, Nemmers replied, saying:

You will also recall that the Board of Directors of the NFBI has issued a Finding of Fact and Statement of Policy concerning the two chapters. We stand by that Finding of Fact and Statement of

Policy.

The National Board met on May 18, 1981, and passed a resolution removing Nemmers as President of the NFBI and expelling him from membership in the NFB. The resolution also directed that

. . .the National Federation of the Blind of Iowa shall be reorganized and that elections for officers and board members shall be held on the weekend of May 23, 1981.

The Annual Meeting of the NFBI was to be held on May 23-25, 1981, on the third floor of the Marriott Hotel in Des Moines. Nemmers distributed an agenda for the meeting. Under "Pre-Convention Activities" to take place Saturday afternoon, May 23, there was listed:

2:00 P.M.—Registration—Mr. H.E. Stutters and 2:00 P.M.—Board of Directors Meeting.

These were the earliest scheduled events. Stutters was the NFBI treasurer. On the evening of Friday, May 22, 1981, a printed "Special Announcement" of a meeting of all Federationists was posted and distributed in the hotel. A copy was handed to Nemmers. The meeting was to be on the second floor of the Marriott at 1:00 p.m. on Saturday.

The 1:00 p.m. meeting was held on Saturday, May 23rd with Nemmers present. Jernigan read the resolution that had been adopted by the National Board on May 18, 1981. A copy was handed to Nemmers. As noted, the resolution required reorganization of the Iowa affiliate. A new agenda was read and distributed. Registration then proceeded,

with H.E. Stutters in charge. Members wishing to participate in the reorganizational meeting signed a pledge of support for the actions and policies of the NFB and its Board. Stutters, among others, signed this pledge.

The reorganizational meeting of the NFBI then proceeded as outlined in the new agenda. Election of officers was carried out on Sunday, May 24th, resulting in the election of the named individual plaintiffs. A number of resolutions were passed, including one directing Peggy Pinder, as new president, to take such steps as necessary, including legal action, to protect the name of the organization and to recover and preserve its assets. Pinder wrote to Nemmers on May 25, 1981, notifying him of these events and demanding that he cease using the names National Federation of the Blind of Iowa and Iowa Association of the Blind, Inc., and that the assets be turned over to the rightful officers. Nemmers, however, continued to claim he was president of the NFBI. In ensuing months he and his associates continued to raise funds, using the name or initials of the NFB.

The NFB Constitution provides for appeal to the National Convention of action by the NFB Board to expel a member or to reorganize an affiliate. Unless or until the Board's action is reversed by the National Convention, however, it stands as the action of the Federation. On June 15, 1981, Nemmers wrote to Jernigan indicating that he wished to appeal and be heard at the National Convention to be held in Baltimore, as to his expulsion from the NFB and removal as president of the Iowa affiliate. He did not appeal from the order directing reorganization of the

Iowa affiliate. The National Board sitting as the credentials committee, met on Monday, July 6. Nemmers and John Taylor appeared and spoke. After hearing them, the Board voted unanimously to seat the reorganized affiliate from Iowa. Nemmers appeared on the Convention floor at its Tuesday morning session, July 7, 1981. A motion was made to seat the Pinder delegation temporarily and to carry Nemmers' appeal over to Friday. Both motions carried. During the debate on the motion, Nemmers said he would not be around on Friday. Jernigan again offered Nemmers the right to have his appeal heard on Friday, but Nemmers replied, "I wish no appeal on Friday."

In the meantime, on May 28, 1981, plaintiff NFBI filed this petition for injunctive and declaratory relief against Nemmers group, alleging inter alia that the NFB constitution authorizes the national board to discipline any member and reorganize a state or local affiliate by a two-thirds vote or by a simple majority of states present and voting at the NFB national convention. Plaintiff requested a declaration that the Pinder slate of officers, elected during the May 24, 1981, reorganizational meeting, were the only lawful officers of the NFBI and that the Nemmers group be enjoined from holding themselves out as NFBI officers. Plaintiff also sought: 1) to enjoin defendants from using the name "National Federation of the Blind of Iowa" or any variation thereof, and 2) an accounting of all money and property held or raised by defendants under the NFBI name since the reorganization. The new officers were later added as individual parties plaintiff. Defendants' answer denied

that the NFB actions in expelling Nemmers from the NFB, removing him from the NFBI presidency, and reorganizing the Iowa affiliate were valid.

Trial was held to the court in April of 1982. On June 3 of that year, the court issued its findings and judgment and held: (1) that the defendants are the rightful officers and directors of the Iowa Association of the Blind, (2) that the defendants, and the organization of which they are officers, are not entitled to use the name National Federation of the Blind of Iowa or any essential derivative, and (3) that the organization headed by the defendants is entitled to the properties and funds identified in the stipulation of the parties. Plaintiffs' post-trial motion to amend and enlarge findings and modify judgment was overruled, and they filed this appeal. Defendants cross-appealed from the court's holding that they were not entitled to use the NFBI name.

II.

The pivotal question in this case is: Were the actions of the NFB board of directors in disciplining Nemmers and reorganizing the Iowa affiliate of the NFB authorized by the national and state federation constitutions and therefore binding on the NFBI and its officers? This question in turn requires a close examination of the relationship between the NFB and the NFBI and the distribution of power between the national and state organizations and the degree of autonomy enjoyed by the latter. The trial court held that the NFB's actions, although authorized by its own constitution, were null and void because they were not specifically authorized by the

NFBI constitution. The court also stated its belief that NFBI's affiliation with the NFB did not nullify the NFBI constitution or subject the NFBI to unilateral reorganization by an outside entity; i.e., the NFB.

Trial testimony indicated that one automatically becomes a member of the NFB by becoming a member of a state affiliate. The NFB Constitution, Article III, Sect. A states that "[t]he membership of The National Federation of the Blind shall consist of the members of the state affiliates plus members at large." Section E of Article III was the basis for Nemmers' removal from the NFBI presidency and expulsion from the NFB:

Any member, local chapter, or state affiliate of this organization may be suspended, expelled, or otherwise disciplined for misconduct or for activity unbecoming to a member or affiliate of this organization by a two-thirds vote of the Board of Directors or by a simple majority of the states present and voting at a National Convention.

Article V, Section A recognizes the NFB national convention as the "supreme authority" of the organization which "has final authority with respect to all issues of policy." The NFBI reorganization was done in this case under the alleged authority of Section B of Article V which provides in part:

By a two-thirds vote the Board may reorganize any state or local affiliate. The Board may not . . . reorganize a state or local affiliate except for good cause and after a good faith effort has been made to try to resolve the problem by

discussion and negotiation. If a dispute arises as to whether there was "good cause" or whether the Board made a "good faith effort," the National Convention (acting in its capacity as the supreme authority of the Federation) shall have the power to make final disposition of the matter; but until or unless the Board's action is reversed by the National Convention, the ruling of the Board shall continue in effect.

Article VI sets forth the responsibilities of NFB affiliates to the national organization and the NFB's proprietary rights to that name:

Affiliates must not merely be social organizations but must formulate programs and actively work to promote the economic and social betterment of the blind. Affiliates must comply with the provisions of the Constitution of the Federation. Policy decisions of the Federation are binding upon all affiliates, and the affiliate must participate affirmatively in carrying out such policy decisions. The name National Federation of the Blind, Federation of the Blind, or any variant thereof is the property of The National Federation of the Blind; and any affiliate, or local chapter of an affiliate, which ceases to be part of The National Federation of the Blind (for whatever reason) shall forthwith forfeit the right to use the name National Federation of the Blind, Federation of the Blind, or any variant thereof. (emphasis added.)

Article IX of the NFBI constitution states that the Iowa organization "shall be an affiliate of the National Federa-

tion of the Blind." The NFBI is committed under Article II of its constitution "to cooperate with the National Federation of the Blind in its various activities." Article X requires the NFBI to select at least one delegate and one alternate to attend the NFB annual convention. At trial, Nemmers admitted that the NFBI was obliged to follow the policies set forth by the NFB and that he, as NFBI president, refused to do so in this case. He also stated, however, his belief that the NFB could reorganize a state affiliate only when such action was agreed to by a majority of the members of such affiliate.

III.

We believe the trial court erred in holding the NFB was without authority to effectively remove Nemmers from the NFBI presidency and reorganize the Iowa affiliate. Specifically, the trial court erred in holding that the expulsion and reorganization provisions of the NFB constitution are not binding on the NFBI absent an explicit recognition and acceptance of those provisions by the Iowa affiliate in its constitution or bylaws. The following language is found in 10 C.J.S. Beneficial Associations Section 60 (1938): "[t]he charter of a subordinate lodge and the constitution and by-laws of the parent organization constitute a contract between the two." The Iowa supreme court has recognized this principle and has also stated that "[m]ost, if not all, courts and authorities generally agree that constitutions, charters, and by-laws of charitable fraternal organizations, subscribed to by an affiliate lodge and its members, are binding." Grand Lodge of Iowa of

Independent Order of Odd Fellows v. Osceola Lodge No. 18, Independent Order of Odd Fellows, 178 N.W.2d 362,367 (Iowa 1970). By becoming and remaining an affiliate of the NFB, the NFBI accepted the responsibilities of affiliates as set forth in the NFB constitution and agreed to be subject to its provisions and policies. The affiliation relationship would be meaningless if the NFBI could pick and choose which rules and policies of the parent organization it agreed to abide by and ignored the rest.

The trial court's decision stemmed in part from its conclusions that a national organization's power to reorganize its state affiliates and remove their officers must be specifically provided for by statute and that, absent such authority, affiliation "does not and cannot in law effect a merger of the two corporations." We believe this analysis ignores the special characteristics of beneficial or charitable organizations such as the National Federation of the Blind and its state affiliates. These groups are not regular business corporations and are not to be so treated. While the corporate existence of the state affiliate is certainly governed by state law (see Iowa Code ch. 504—Corporations Not for Pecuniary Profit), the internal structure of the affiliate and the relationship between it and the parent national organization is not.

"The power of the central organization of a beneficial association to suspend or to expel a local branch body or to forfeit its charter, as well as the power of particular superior officers in this respect, depends primarily on the society's charter of incorporation or articles of association and its consti-

tution and by-laws, and not a statutory grant."

10 C.J.S. Beneficial Associations Section 64 (1938). Thus, the NFB's power to reorganize the NFBI and remove Nemmers as its president is to be determined from the NFB constitution which, as indicated above, clearly authorizes such actions.

We also reject the trial court's holding that affiliation, at least in this case, does not effect a merger of the NFB and NFBI. In United States Jaycees v. San Francisco Junior Chamber of Commerce, 354 F. Supp. 61 (D.C. Cal. 1972) aff'd per curiam 513 F.2d 1226 (9th Cir. 1975), the court granted plaintiff national organization's motion for summary judgment in its action to restrain defendant disaffiliated local chapter from using plaintiff's registered trademark names "Junior Chamber of Commerce" and others. The court also held:

Notwithstanding the fact that defendant SFJCC was organized approximately one year prior to its affiliation with State and three years prior to its affiliation with National, any separate existence defendant SFJCC might have had prior to its affiliation with plaintiffs was merged with plaintiff organizations upon SFJCC's affiliation with and charter membership in these organizations.

354 F. Supp. at 72 (emphasis added). See also Grand Lodge Improved, Benevolent Protective Order of Elks of the World v. Eureka Lodge No. 5, Independent Elks, 114 F.2d 46, 48 (4th Cir. 1940) cert. den. 311 U.S. 709, 61

S. Ct. 319, 85 L. Ed. 461. Likewise in this case, any prior separate existence the NFBI (under the name Iowa Association of the Blind) may have had was merged with the NFB when it became a chartered affiliate of the national organization. By becoming an affiliate of the NFB, the NFBI agreed to be bound by the NFB constitution and policies, including those provisions invoked by the NFB in this case.

IV.

Because NFB's reorganization of the NFBI and its removal of Nemmers as president of the latter were authorized by the NFB constitution and because such actions were binding on the NFBI, the trial court erred in not holding that the Pinder slate of officers (individual named plaintiffs) are the rightful officers of the NFBI. The court also erred in holding that defendants are entitled to the property held and obtained by them as NFBI officers after the Pinder officers were elected in the state reorganization. We affirm the court's injunction against defendants' use of the NFBI name. See United States Jaycees, 354 F. Supp. at 71. We remand to the trial court for entry of judgment in conformity with this opinion.

JUDGMENT ENTRY DECEMBER 8, 1983

IN THE IOWA DISTRICT COURT
FOR POLK COUNTY

IOWA ASSOCIATION OF THE BLIND, d/b/a

NATIONAL FEDERATION OF THE BLIND OF IOWA, PEGGY PINDER, ROBERT RAY, CHARLES ERICKSON, H.E. STUTTERS and CHERYL FINLEY,

Plaintiffs

vs.

SYLVESTER NEMMERS, as purported President of an association pretending to be the Plaintiff, and as an individual; PATRICK SCHOLL, as purported Treasurer of an association pretending to be the Plaintiff; and An ASSOCIATION pretending to be the Plaintiff, Sylvester Nemmers, President,

Defendants.

JUDGMENT ENTRY
Equity No. CE15-8537

NOW on this 8 day of December, 1983, the Court, pursuant to the decision of the Iowa Court of Appeals, FINDS that judgment should be entered in favor of plaintiffs and against defendants as follows:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. After May 24, 1981, the only officers and directors of the Iowa Association of the Blind, d/b/a the National Federation of the Blind of Iowa, are the following persons, or their duly elected successors: Peggy Pinder, President and Director; Robert Ray, 1st Vice President and Director; Charles Erickson, 2nd Vice President and Director; H.E. Stutters, Treasurer and Director; Cheryl Finley, Secretary and Director; Elwyn Hemken,

Director; Fred Moore, Director; Joe Van Lent, Director; Diane Corson, Director; Joel Jeffries, Director; Curtis Willoughby, Director; Verla Kirsch, Director; Phil Parks, Director

2. The individual defendants are hereby enjoined from holding themselves out as officers of the Iowa Association of the Blind, d/b/a the National Federation of the Blind of Iowa, or as officers of the Iowa affiliate of the National Federation of the Blind.

3. The defendants are hereby enjoined from using the names Iowa Association of the Blind, National Federation of the Blind of Iowa, National Federation of the Blind, or any variation thereof, including initials.

4. All properties and monies raised, owned or held in the name of the Iowa Association of the Blind, or the National Federation of the Blind of Iowa are the property of the corporate plaintiff of which Peggy Pinder is President.

5. To the extent any of the defendants, individually or as an organization possess or control such monies or property, they shall immediately return the same to Peggy Pinder, President or her designee.

6. Defendants shall account to plaintiffs for all monies, credits, and property, in whatever form, including all records and furniture, coming under defendants' control collectively as the Iowa Association of the Blind, or as the National Federation of the Blind of Iowa, or any purported successor organizations, or individually as the officers or directors of same since May 24, 1981, and up to the date of the accounting; and defendants shall produce all books and records including but not limited to those evidencing all receipts, disburse-

ments, and records of members of the Iowa Association of the Blind, wherever situated, to Peggy Pinder, her attorneys or designee. Such accounting and production shall be made within ten days, and this Court retains jurisdiction until a satisfactory accounting has been made and the said property and records have been turned over to Peggy Pinder or her designee. Costs are hereby taxed to defendants.

James P. Denato, Judge
Fifth Judicial District of Iowa

**LETTER FROM JO ANN SLAYTON
JANUARY, 1984**

United Blind of Iowa
JoAnn Slayton, President
809 8th Avenue
Coralville, Iowa
(319) 354-4930
January 1984

Dear Friend,

I am writing this letter to let you know that our organization, formerly known as the Iowa Association of the Blind, is currently incorporating under the name United Blind of Iowa (UBI). Our Officers and Board will serve their terms as elected by the membership.

A high priority will be fund raising to maintain and initiate programs with the United Blind of Iowa striving to improve the lives of blind persons through public education leading to changing attitudes, with increased opportunities for the blind to achieve first class citizenship.

The longstanding law suit has ended and details of the events over the past few months will be addressed in our winter publication. A chapter has ended and a new era dawns; we invite and encourage your enthusiastic participation with us in the United Blind of Iowa accepting the challenges set before us.

The enclosed legislative proposals, already having been discussed by some members with legislators are an example of our continued efforts; and we encourage others to meet with their legislators establishing identification with the United Blind of Iowa and our proposals.

If you have further questions or comments, please contact me at the above address.

Most Sincerely,
Mrs. Jo Ann Slayton

**ORDER OF CONTEMPT
MAY 18, 1984**

IN THE DISTRICT COURT
OF THE STATE OF IOWA
IN AND FOR POLK COUNTY

IOWA ASSOCIATION OF THE BLIND,
d/b/a NATIONAL FEDERATION OF THE
BLIND OF IOWA, PEGGY PINDER, ROBERT
RAY, CHARLES ERICKSON, H.E. STUTTERS
and CHERYL FINLEY,

Plaintiffs,

vs.

SYLVESTER NEMMERS, as purported Presi-

dent of an association pretending to be the Plaintiff, and as an individual; PATRICK SCHOLL, as purported Treasurer of an association pretending to be the Plaintiff, and An ASSOCIATION pretending to be the Plaintiff, Sylvester Nemmers, President,

Defendants,

and JO ANN SLAYTON and ANDY NORR,

Additional Defendants.

FINDINGS OF FACT, CONCLUSIONS OF LAW,
SUPPLEMENTAL JUDGMENT ENTRY,
RULING ON CONTEMPT and ORDER

NO. CE 15-8537

FINDINGS OF FACT

1. In the Judgment Entry entered herein on December 8, 1983, the court made certain orders in conformity with the opinion of the Iowa Court of Appeals, filed August 30, 1983. Said Judgment Entry further provided:

"This court retains jurisdiction until a satisfactory accounting has been made and the said property and records have been turned over to Peggy Pinder or her designee."

2. On February 20, 1984, plaintiffs served their Application for Order of Contempt and for Supplemental Judgment Entry and Other Relief, which Application was supported by affidavit. On February 20, 1984, plaintiffs also served a motion to add Jo Ann Slayton and Andy Norr as additional defendants. On February 21, 1984, this court entered an order allowing the addition of the additional defendants, and they were

subsequently served with the above-mentioned Application, as were defendants Nemmers and Scholl.

3. On March 1, 1984, this court entered a Rule to Show Cause directed to the four defendants, notifying them of a hearing on the Application to be held April 17, 1984. Defendants were served, and also appeared by counsel, and filed, on March 14, 1984, their Resistance to the above-mentioned Application, which Resistance was supported by affidavits.

4. The court finds that it has jurisdiction of the parties and of the subject matter of this proceeding.

5. Sylvester Nemmers ("Nemmers"), Patrick Scholl ("Scholl") and Jo Ann Slayton ("Slayton"), after learning of the decision of the Iowa Court of Appeals rendered on August 30, 1983, caused the withdrawal of \$6,300.00 from an account owned by the Iowa Association of the Blind ("IAB") at Midland Financial Savings and Loan; \$3,800.00 of which was given by them to an association, later incorporated as United Blind of Iowa ("UBI"), of which Slayton, Nemmers, Scholl and Andy Norr ("Norr") are officers; and \$2,500.00 of which was paid by them to attorney Alan Anderson as attorney's fees for defending Nemmers and Scholl in this case. UBI is an organization which is at odds with, and in competition with, IAB, and was known by said defendants to be such.

6. On August 26, 1983, Nemmers, Scholl and Slayton caused the withdrawal of \$1,010.00 from an account owned by the IAB at Union Story Trust & Savings Bank and used it to fund UBI by placing such sum in a bank account in the name of UBI.

7. Between July 21, 1981, and April 9, 1982, Nemmers and Scholl caused the

withdrawal of \$5,348.00 from an account owned by the IAB at Union Story Trust & Savings Bank, which was paid to attorney Alan Anderson as attorney's fees for defending Nemmers and Scholl in this case. Nemmers and Scholl also caused the following funds to be withdrawn from the IAB checking account, not as a part of its normal operations and legitimate objects and purposes, but rather for the personal objects and purposes of Nemmers and Scholl in antipathy to the objects and purposes of the IAB: 12-8-81 Sylvester Nemmers, travel expense 990.00; 1-13-82 Robert Acosta, travel 600.00; 4-9-82 Manuel Urena, travel 325.00; 4-26-82 Babe's, dinners-trial 276.07; 4-27-82 Savory, hotel-trial 191.74; 4-27-82 Friends of Taylor 300.00; 5-2-82 Cora Mae Voels, mileage 33.70; 5-2-82 Sally Harkey, mileage 33.70; 5-2-82 Sandy Tiegies, mileage 100.00; 5-2-82 Ron Hurd, mileage 34.30; 5-2-82 Roger Erpelding, mileage 34.40; 5-2-82 Helen Meier, mileage 42.00; 5-31-82 Manuel Urena, travel 59.00—Total \$3,020.01.

8. During the period May 31, 1981, through December 8, 1983, the defendants continued to operate the corporation under the name Iowa Association of the Blind, and to raise funds in this name, under the shelter of the corporation's tax exempt status. The funds donated to the IAB and deposited by Scholl in IAB accounts were allegedly solicited for legal and suit expenses, but the court finds they were given without binding donor restrictions as to use, as they were mingled with and used as general operating funds of the IAB by Scholl, who is an accountant by profession.

9. Defendants have not produced to plaintiffs a copy of each issue of the IAB Bulletin issued during the time

defendants purported to control the IAB, and they have failed to produce copies of all the IAB Board minutes prepared during the time defendants purported to control the IAB, but defendants contend they have produced everything that exists.

10. Slayton circulated a letter to persons on a computerized mailing list in January 1984 falsely representing that the UBI was formerly known as the IAB, in violation of the court's order that defendants not use the name of IAB, and defendants' compliance with the court's Judgment Entry dated December 8, 1983, has been grudging, dilatory and partial.

11. None of the monies referred to previously have been returned to the IAB although demand has been made, and Norr, as an officer of UBI, has approved, condoned and encouraged the withholding of the \$3,800.00 referred to in paragraph 5 above, although it was offered as total settlement after dispute herein.

CONCLUSIONS OF LAW

1. It is contemptuous for persons to ignore and refuse to abide by the plain meaning of directions in a court order, and all defendants are in contempt of this court for failing to comply with the Judgment Entry dated December 8, 1983.

2. Nemmers, Scholl and Slayton have fraudulently and wrongfully misappropriated and converted to their own use and purposes, with the intent to deprive the IAB of same, the funds referred to in paragraphs 5 and 6 of the Findings of Fact above and are liable to the IAB for same.

3. Nemmers and Scholl have fraudulently and wrongfully misappropriated and converted to their own use and purposes, with the intent to deprive the IAB of same, the funds referred to in paragraph 7 of the Findings of Fact above and are liable to the IAB for same.

4. The IAB's funds, at all times material, were donated to the IAB, a charitable corporation, without a declaration or binding restriction limiting the use of the funds, and thus were given in trust to carry out the objects and purposes for which the IAB was created, as it is obvious that all funds received by the IAB during the period in question were mingled in general accounts and were not separately identified or restricted as to use.

5. Norr, as a person in active consort in the withholding of the \$3,800.00 referred to in paragraph 5 of the Findings of Fact above, is liable to the IAB for same.

6. As purported officers and directors of the IAB prior to the decision of the Iowa Court of Appeals, defendants breached their fiduciary duties to the corporate entity; and after the decision they refused to return its funds.

SUPPLEMENTAL JUDGMENT ENTRY
IS HEREBY ORDERED, ADJUDGED
AND DECREED that:

1. Judgment is entered in favor of the Iowa Association of the Blind and against Patrick Scholl and Sylvester Nemmers, jointly and severally, in the amount of \$15,678.01 with interest at 10% per annum from December 8, 1983.

2. Judgment is entered in favor of the Iowa Association of the Blind and against Jo Ann Slayton in the amount of

\$6,300.00 with interest at 10% per annum from December 8, 1983, for which amount she shall be jointly and severally liable with Scholl and Nemmers.

3. Judgment is entered in favor of the Iowa Association of the Blind and against Andy Norr in the amount of \$3,800.00 with interest at 10% per annum from December 8, 1983, for which amount he shall be jointly and severally liable with Scholl, Nemmers and Slayton.

RULING

1. To purge themselves of contempt, defendants shall, within 10 days of the date of this Ruling, deliver to plaintiffs a computer printout of the list of names and addresses of the persons to whom Slayton's letter dated January 1984 was sent, referred to in paragraph 10 of the Findings of Fact herein, and, within 30 days of the date of this Ruling shall mail a letter to all persons on such listing stating:

"My letter to you dated January 1984 on United Blind of Iowa stationary contained incorrect statements. The United Blind of Iowa was not formerly known as the Iowa Association of the Blind. The Iowa Association of the Blind, also known as the National Federation of the Blind of Iowa, continues to exist, and remains the Iowa affiliate of the National Federation of the Blind. The United Blind of Iowa is not affiliated with or a successor to either organization. I am enclosing a copy of the Judgment Entry entered in the Iowa District Court for Polk County dated December 8, 1983, for your information, which identified the true officers of the Iowa Association of the Blind.

/s/ Jo Ann Slayton"

Defendants may identify on the computer printout the names of persons drawn from prior IAB lists as distinguished from the names of others not previously appearing on the IAB records.

2. Defendants shall furnish proof of compliance with paragraph 1 of this Ruling within 45 days of the date of filing and notice of this Ruling by affidavit filed herein. The court retains jurisdiction to determine compliance with said paragraph 1 and, if defendants fail to comply with said paragraph 1, the court will entertain application for a further hearing to determine the punishment for the contempt.

ORDER

Costs after December 8, 1983, are taxed to defendants Nemmers, Scholl, Slayton and Norr, jointly and severally.

RODNEY RYAN

JUDGE OF THE FIFTH JUDICIAL DISTRICT, IN AND FOR POLK COUNTY

DES MOINES REGISTER ARTICLE MAY 19, 1984

FOUR WHO CLUNG TO ASSETS OF BLIND GROUP IN CONTEMPT

by Melinda Voss
Register Staff Writer

Four persons pretending to be officials or members of the Iowa Association of the Blind were found in contempt of court Friday for failing to comply with

a 1983 court order to turn over records to the rightful officials of the blind organization and for misappropriating funds that belonged to the organization.

The ruling, by Polk County District Judge Rodney Ryan, said Sylvester Nemmers of Des Moines, Patrick Scholl of Ames and Jo Ann Slayton of Coralville "wrongfully misappropriated and converted to their own use and purposes" association money. Ryan ruled that Andy Norr of Iowa City "approved, condoned and encouraged" withholding part of the money. He ordered the four to repay \$15,678 to the association.

The lawsuit is part of a long-standing feud between factions representing the blind.

Ryan found that last August Nemmers, Scholl and Slayton had withdrawn money raised for the association even though an appellate court had ruled they were not legitimate officers of the group.

"It is contemptuous for persons to ignore and refuse to abide by the plain meaning of directions in a court order," Ryan said. After the three had been displaced as officers and members of the association, they withdrew money from its accounts and placed it in an association incorporated as the United Blind of Iowa, the judge found.

Meanwhile, the four continued to raise money under the name of the Iowa Association of the Blind and to use the shelter of the group's tax exempt status, he said. Although a judge ordered last December that they pay back the funds and turn over records belonging to the Iowa Association of the Blind, their compliance with that order has been "grudging, dilatory and partial," Ryan said.

Moreover, Slayton wrote a letter in

January of 1984 "falsely representing that the United Blind of Iowa was formerly known as the Iowa Association of the Blind in violation of the court's order" that the defendants not use the name, Iowa Association of the Blind. They circulated the letter to persons whose names were on a computerized mail-

ing list, the judge said.

To purge themselves of contempt, the judge ordered the three to write and send a letter within 30 days of his ruling explaining his order and the fact that the earlier letter contained incorrect information.

VICTORY FOR THE BLIND OF WASHINGTON STATE

by Barbara Freeman

On February 15, 1984, the Washington State School for the Blind Board of Trustees was informed that a program for "disturbed" deaf youth was going to be housed on the W.S.S.B. campus. This program would have displaced the independent living program for deaf-blind teenagers at the school, as well as, perhaps, endangering the blind children. We were also convinced that this was another attempt to combine the schools for the blind and deaf.

Our observer on the Board, Carol Wedrick, reported that the Board objected to this program. Board member Don Whitney, Ph.D., a psychologist from the Seattle area, suggested that the "consumer organizations" take a stance on the program. The observer on the Board of the Washington Council of the Blind, Jim Eccles, said they couldn't get involved.

The Board voted to notify the Washington State Department of Social and Health Services (D.S.H.S.) of their objections and to notify parents of

W.S.S.B. students. The Chair, Elizabeth Rene, a blind Seattle assistant city attorney, took the responsibility of writing the Secretary of D.S.H.S. and the parents. She did neither. (She prefers to remain "unaligned" because she does not like controversy, a strange attitude for a lawyer.)

Our chapter put out a press release. We got coverage in the local paper, the Columbian, a radio station, Portland's Radio Reading Service, and the local cable news station, Channel 25. One of the parents of a W.S.S.B. student sent copies of the article to the other parents and protested to D.S.H.S. Many parents wrote their legislators.

Several of our members also collected signatures on petitions and sent them in to D.S.H.S.

We were secretly told by two blind persons working at the school that they were very happy we were fighting this program. They had been worried, but they were afraid to say or do anything. Due to a quirk in state law, employees

at the school can be fired at will.

Washington State NFB President Gary Mackenstadt called Dr. Brothers, the Superintendent of W.S.S.B., on Monday, April 9, 1984, to ask what effect the pressure was having. He was told that there had been sufficient protest that a hearing to brief state legislators about the program was being held the next day at the school. When we checked about the time, however, we were discouraged from attending. With the help of David Hyde, President of the NFB of Oregon, and many of our local members, we were able to fill the small room with thirteen NFB supporters. The legislator who initiated the meeting, Shirley Galloway, was happy to see us and was most gracious. Channel 25 covered the meeting and billed it as a meeting at which state legislators and the Federation

voiced their concerns. There were four local legislators there. They all disapproved of placing the program at W.S.S.B. It is interesting to note that the first D.S.H.S. study stated 165 deaf children needed this special program. When the legislators asked for documentation, less than ten children could be found in the whole state. It appears that none of these children had even been put through the normal admissions process at the Washington State School for the Deaf!

Three weeks later, Dr. Brothers was informed that the program had been called off. Channel 25 re-ran the pictures of the meeting at the school and gave the Federation and legislator Galloway equal credit in squashing the program.

If you or a friend would like to remember the National Federation of the Blind in your will, you can do so by employing the following language:

"I give, devise, and bequeath unto National Federation of the Blind, a District of Columbia nonprofit corporation, the sum of \$_____ (or "_____ percent of my net estate" or "The following stocks and bonds: _____") to be used for its worthy purposes on behalf of blind persons."

COMPUTER "VOICE" MAY HELP BLIND ON JOB

(Note: The following article is reprinted from the May 3, 1984, Minneapolis Star and Tribune. The address of the NFB of Minnesota is: Suite 715, Chamber of Commerce Building, 15 South 5th Street, Minneapolis, Minnesota 55402; telephone (612) 332-5414.)

The not-quite-human voice of a computer may help open up jobs for blind office workers by enabling them to use office computers as easily as their sighted co-workers.

The National Federation of the Blind of Minnesota (NFBM) has assembled some commercially available computer gear that can use off-the-shelf business software without special modifications for the blind.

The system includes an improved speech synthesizer, a device that can help the blind by reading aloud the data on the screen. "The key is to give information to the blind operator that is the same information a sighted operator would get visually," said Curtis Chong, who helped put the federation's system together.

The computer system is the product of people who understand both computers and blindness, Chong added. The three computer professionals who worked on the project—Chong, Thomas Scanlan and Steve Jacobson—are all blind.

Chong said the system, although assembled from readily available hardware and software, is a breakthrough because it allows blind people to use the same computerized wordprocessing and financial analysis programs as sighted peo-

ple. It eliminates the need for employers to make costly modifications in business software before it can be used with a speech synthesizer.

Being able to use a personal computer as well as a sighted person would be an important advantage for a blind person "because a lot of employers are stuck with the notion that blind people can't be productive," said Chong, a computer systems programmer at IDS/American Express.

"I see it (the computer) opening up all kinds of jobs (for blind people) where computer access is important: airline reservationist, telephone directory assistance operator, hotel reservationist and corporate management, in the sense that corporate managers are being increasingly required to use personal computers on their own," Chong said.

With a \$15,000 grant from IBM, Northwestern Bell and Northwestern National Life Insurance Co., the NFBM developers bought an IBM PC/XT computer, a voice synthesis program called "PC Speak" and a Votrax voice synthesizer. The total cost was about \$11,000, of which the voice synthesis hardware and software cost \$800.

"If you're going to buy a personal computer for your employees, you might as well spend a little extra and buy something that will help blind employees use it," Chong said.

The voice synthesizer reads aloud what is written on the screen (earphones are available) as whole sentences or individual words, and it can spell words,

Scanlan said. When a financial analysis program is on the screen, the voice synthesizer reads both the number and its location in a particular column and row on the electronic spreadsheet, he said.

The PC Speak program intercepts information as it is being sent to the computer's display screen, enabling the voice synthesizer to read the information to a blind operator without interfering with the program being used at the moment, Chong said. It works with about 80 percent of the programs tried so far, he added.

The federation designed the system to encourage businesses to hire blind people.

ple.

The federation isn't going to market the voice synthesis computer, said Scanlan, the computer systems support manager for Minnesota state government. Jacobson is a computer analyst at Minnesota Mining & Manufacturing Co.

Because the software for the project was commercially available, a grant of \$12,000 worth of programming services from IDS/American Express hasn't been used, Scanlan said. However, the group plans to develop new software that will make the personal computer act as a talking terminal that can obtain information from large computers, Chong said.

WRITERS' DIVISION: MOVING AHEAD IN 1984

by Nancy Scott

Federationists may remember that in 1983 the Writers' Division was formed. Its goal was to motivate and assist writers and those wishing to write. The birth of this Division was relatively quiet, but its infancy is over, and it has found its voice.

As of this writing, the Division has established a format for its newsletter, which it hopes to publish twice yearly in print and on cassette. Some of the regular features in this newsletter will focus on how-to's and sources especially useful to visually impaired writers.

The Division also plans to establish writers' sharing groups for those members who wish to have their work read and/or critiqued by other members. (Who

knows. This could be the start of some very creative collaborations.) Details on other Division projects will appear in future issues of the Monitor.

Membership in the Division is open to any Federationist for three dollars per year and to non-Federationists for four dollars annually. For more information about the Division, contact Pam Taylor (1850 West 3255 South, West Valley City, Utah 84119) or Lori Stayer (132 Beach Drive, Merrick, New York 11566).

The printed word has the power to conquer all obstacles and open all doors. The NFB Writers' Division has the inspiration and the determination to use that power. COME JOIN US.

FACTS FROM THE FILES

by Gerry Paice

During the 1968-69 academic year, more than 700 blind college students were preparing for teaching careers in the public schools of our nation. In the early 1970's there were more than three hundred blind teachers employed in elementary and secondary schools throughout the land.

Dr. Jacobus tenBroek, our first NFB President, was made a member of the California Board of Social Welfare in 1950 by Governor Earl Warren and was re-appointed to that Board three times, being elected its Chairman in 1960. He served in this capacity until 1963.

In 1959 Dr. Isabel Grant, a well known Federationist who lost her sight in the latter part of her teaching career, visited twenty-one Middle Eastern, Asia, and Far Eastern countries to observe and study the training and rehabilitation programs for the blind in each nation and to organize pioneer educational projects in many.

According to reliable statistics, in the early 1970's there were approximately 10,000 deaf-blind individuals in the U.S., most of whom were victims of the disease known as Rubella.

It is indeed a rare occurrence when organizations for and of the blind unite in their efforts to protect the rights of blind people in our nation, but it actually occurred in 1972, and with positive results. On October 5 of that year, the Federal Register carried proposed regulations by the General Serv-

ices Administration drastically curtailing the operation of vending stands by the blind on federal property. GSA said that these vending stands were competing with cafeterias operated in federal buildings and causing them to lose money. Immediate joint action by NFB, a number of Congressmen, and several agencies serving the blind stifled the effort before it took root.

When Mississippi became the 46th state to join our National Federation on January 15, 1972, it happened as a result of much work and travel. Behind the effort were a number of concerned blind Mississippians and foremost among them was E.U. Parker, prominent blind Mississippi businessman and civic leader. E.U. Parker, a graduate of the University of Mississippi and for a number of years among the top ten State Farm Insurance agents in the state, continues to be a leader among blind Mississippians in their struggle to attain equal status as responsible citizens.

The Telephone Pioneers of America, the world's largest volunteer association of industrial employees, at one time attained a membership of 350,000 active and retired Telephone Company and Western Electric employees with twenty-one or more years of service in the U.S. and Canada. Their activities included community service projects, the repair of Talking Book equipment, and the collection of eyeglasses for the needy.

The World Health Organization has been

proclaiming for some time now that simple malnutrition is a leading cause of blindness in underdeveloped countries. There has been progress throughout the world in the attempt to eliminate this problem, but the situation still prevails.

There are almost half a million blind people in the United States, according to the best available statistics. Of these, more than 30,000 are children.

By a unanimous vote of the Board of Trustees of Blind Industries and Services of Maryland on October 28, 1975, Ralph Sanders was elected to the position of President. The office involved managing a complex combination of sheltered workshops, training facilities, vending stands, and a Home Services Division. To blind workshop employees throughout the nation who are compelled to accept and to tolerate sub-standards as a requisite to employment, the accomplishments of Ralph Sanders in the years following that appointment have been truly impressive. To blind shop employees in the state of Maryland, what has been accomplished has made the difference between abandonment and encouragement, plus opportunity.

A landmark article, "The Right to Live in the World," by Dr. Jacobus tenBroek, then President of the NFB, was published in 1966. Based on the analysis that existing laws and court decisions provided insufficient protection of rights of the blind and handicapped, it served as the source of the Model White Cane Act, which now prevails in every state of our nation.

The International Federation of the Blind was inaugurated in 1964 with Dr. Jacobus tenBroek as its first President. It was established to counter and cor-

rect the international stranglehold maintained by the coalition of custodial agencies making up the World Council for the Welfare of the Blind.

With the help of spirited Federationists from Iowa and Minnesota, the state of South Dakota became the fiftieth state to join the NFB in 1975.

Gregory Khochadorian, a blind resident of Arlington, Massachusetts, and a graduate of Boston University School of Law, served six consecutive terms in the Massachusetts legislature. While a member of that august body, he sponsored a number of bills promoting the need for safety measures in eyeglass construction. His legislation attracted a great deal of attention, and as a result similar legislation was soon adopted by the states of Alaska and Connecticut. Some time later, the federal government followed suit.

In 1955 a program of training in agriculture and nursery operation was established at the Georgia Academy for the Blind. Upon completion of the project, forty-five trainees were able to go into the greenhouse business for themselves. Several others were employed in one capacity or another by a number of nurseries.

The Internal Revenue Service started a program of training blind individuals to be tax assistants in the late 1960's, and the experience has been highly successful. As early as 1970, the IRS had thirty-one blind tax representatives in major offices throughout the U.S., fielding taxpayers' questions. Originally most such workers employed the abacus. Today, no doubt, they are equipped with talking calculators.

The first scripture to be recorded for use by the blind on cassette tapes was

presented to the Library of Congress, Department for the Blind and Physically Handicapped, by the American Bible Society in 1970. It comprised the entire

New Testament in today's English version. The project required fifteen cassettes.

RECIPES

GRANDMA MORGAN'S SOUR CREAM-RAISIN PIE

by Duane Gerstenberger

(Grandma Morgan is Mrs. Ethel Morgan of Independence, Iowa -- my maternal grandmother.)

Ingredients: 1 cup sour cream
1 cup brown sugar
½ cup raisins
2 tablespoons flour
2 eggs
½ cup milk

Directions: Dissolve sugar in sour cream and bring to a boil. Then add raisins, flour, egg yolks and milk. Cook until thick. Pour into pie shell. Use egg whites for meringue.

ORIENTAL RICE SUPREME

by Diane McGeorge

Ingredients: 1 cup brown rice
1 cup chopped celery
1 green pepper - chopped
1 small onion - chopped
¼ cup soy sauce
1 tsp. parsley flakes
1 can water chestnuts - drained
2 medium size cans tomato wedges

Directions: Cook brown rice. Saute fresh vegetables very slightly in a small amount of oil. Combine with rice. Add all other ingredients and mix thoroughly. Bake in 350 degree oven for 30 minutes.

Note: If you are in a hurry, the recipe comes out equally well if you add all ingredients to the tomatoes and then blend into the rice, heating about another 5 to 10 minutes.

POTATOES CONCANNON

by Diane McGeorge

Ingredients: 4 cups cooked, seasoned mashed potatoes
1 tbs. onion flakes or chopped fresh onion
1-3 oz. pkg. cream cheese
½ tsp. garlic salt (optional)
2 tsp. paprika
1-8 oz. carton sour cream
grated parmesan cheese

Directions: Mix all ingredients together thoroughly except for the grated parmesan cheese. Place in a buttered casserole--sprinkle very generously with the cheese. Bake at 350 degrees for 30 minutes.

Note: These potatoes are especially good if you prepare them ahead of time and store them in the refrigerator. All you have to do is pop them into the oven and be sure that they are thoroughly heated before serving. I have prepared this casserole using instant mashed potatoes as well as regular potatoes and it has worked equally well. Don't skimp on the grated parmesan cheese on top!

MONITOR MINIATURES * * * * *

****Retires:**

As many Federationists know, First Vice President Donald Capps has recently been having health problems. On April 30, 1984, he retired as Assistant to the Vice President in Charge of Claims, Colonial Life Insurance Company, Columbia, South Carolina. Mr. Capps had worked at Colonial for thirty-eight years, and there were many expressions of regret at his retirement. In a memo sent to the National Office of the Federation and to Federationists and friends throughout South Carolina Mr. Capps said:

"After a long (more than 37 years) and rewarding career, and in an effort to improve my overall health, I chose to retire from Colonia Life effective April 30. Meanwhile, I want to thank those of you who have sent many kind expressions to me during the past several weeks."

The career of Donald Capps at Colonial Life has been distinguished and extremely successful. The same has been true with his civic and community accomplishments in Columbia and throughout South Carolina. Of course, Federationists do not need to be told of the contributions which he has made to the organized blind movement. He has the longest unbroken term of service as a Board Member of any member of the National Board. It goes without saying that he will continue to be an active force in the organized blind movement. We hope that his health will permit his early return to full vigor and complete participation.

****BONAVENTURE:**

Dianne Hayes of Oregon asks that we run the following announcement. It was

slated for May, but got lost in the shuffle and is only now appearing:

"Bonaventure Travel Club, Ltd., is an internationally recognized company presently offering membership for individuals and families (including all children up to age eighteen), for fifty-nine dollars and ninety-five cents (\$59.95).

"The member and his or her family will receive substantial and guaranteed discounted rates on airfare, hotel and rent-a-car reservations. The guarantee states: 'Your registration fee will be refunded if we cannot save you money on your travel.' Requests for specific price quotations will be honored by Bonaventure, when made by registered members only.

"When planning a trip, all a member need do is contact Bonaventure with pertinent information either through its toll-free number or by mail, and all reservations will be made.

"With regard to the fundraiser: For each \$59.95 membership purchased by way of mentioning the NFB and the Braille Monitor, a ten dollar donation will be made by Bonaventure Travel Club, Ltd., to the National organization.

"So make plans soon for convention, or to visit friends or family with less hassle and expense. Some benefits will be immediately obvious, but directly or indirectly, as we all know, that which benefits our organization, benefits each of us as well.

"For more information call Bonaventure toll-free, 1-800-547-4559. (In Oregon call collect 1-345-2224.) Or write Bonaventure Travel Club, Ltd., Post Office Box 5447, Eugene, Oregon 97405.

"Bonaventure will offer an additional discount to any group of twenty-one (21) members leaving the same airport, on the

same day, with the same destination."

****Elections:**

In recent local affiliates in Illinois the following were elected:

Prairie State Chapter: President, Allen Schaefer; Vice President, Bill Isaacs; Secretary, John Salvatore; Treasurer, Ruth Schaefer; and Board Members Jack McLaughlin, Charlene McLaughlin, and Carl Miller. Chicago Chapter: President, Mike Cramer; First Vice President, Tona Burda; Second Vice President, Cecilia Ross; Secretary, Steve Hastalis; Treasurer, Don Gillmore; and Board Members Connie Lavay, Peter Knezevich, Mary Grunwald, and Dick Scholl.

****For Sale:**

We have been asked to run the following announcement: "Optacon in good working condition, \$1,500. If interested, please contact Chris Ramsay, 7849 Patriot Drive, Annandale, Virginia 22093; telephone 703-256-8087."

****Appointed:**

Charles Crawford has been appointed Commissioner of the Massachusetts Commission for the Blind. He was formerly in charge of the assistance program at the Commission and more recently headed up the state's Office of Handicapped Affairs. Crawford succeeds Edward McHugh—who, as we reported in the April Monitor, was fired this spring. Although McHugh's dismissal was not officially announced until early May, the Monitor was able to confirm the fact several weeks earlier and thus reported it in the April issue. As in other turnovers in leadership at the Massachusetts Commission in recent years, politics are believed by many to be the

decisive factor in McHugh's departure. McHugh was appointed in 1980 by Governor Edward King. Governor King was defeated by Michael Dukakis (the current Governor of Massachusetts) who took office in 1983.

Edward McHugh will be remembered for efforts he made along with others successfully to oppose renewed sponsorship of NAC by the National Council of State Agencies for the Blind (NCSAB). McHugh is blind. It is hoped that Crawford will provide constructive leadership at the Commission, and quite a number of the blind of the state express the belief that there is a good chance that he will.

****New Chapter in Illinois:**

On Saturday, April 7, the blind of Illinois and Lake County participated in the beginnings of a new era. The NFB of Illinois Lake County Chapter was launched at the Zion Memorial Library Center. The Chapter reflects Lake County's diverse population and geographic spread. Its board is enthusiastic and multi-talented. They are: President, Bill Porter, Zion (a print broker); First Vice President, George Eltgroth, Ingleside (a retired engineer/attorney); Second Vice President, Martin Reidy, Libertyville (with background in marketing and media relations); Secretary, Nancy Sheets, Waukegan (homemaker); and Treasurer, Barbara Hobbie, Zion (part-time teacher and homemaker). In addition to the officers, the following were elected to the board: Ray Bugbee, Waukegan (retired heavy equipment operator); Jim Talley, Zion (retired die setter for American Motors and husband of a blind diabetic); Susan Muhlenbeck, Zion (student); and

Miae Muhlenbeck, Waukegan (homemaker and mother of Susan).

****Wedding Bells:**

President Jernigan recently received the following announcement:

"Margaret Mary Gull and Stephen Owen Benson request the honor of your presence when they exchange marriage vows during the celebration of a Nuptial Mass on Saturday, the second day of June, nineteen hundred and eighty-four at ten-thirty in the morning. Saint Angela Church, 1325 North Massasoit, Chicago, Illinois."

National Board Member and President of the NFB of Illinois Steve Benson has been an eligible bachelor for lo these many years. Now, he enters into matrimony. His bride, Margaret, is an attorney—and from what we can hear, a good one. Our best wishes for joy and happiness go to the Bensons.

****New Arrival:**

Melissa Ruth (Missy) Wunder arrived in her new home in Columbia, Missouri, April 25, 1984, after an eighteen-hour flight from Seoul, South Korea. At the time of her arrival Missy was four and a half months old. She was twenty-five inches long and weighed fifteen pounds. Her new parents, Gary and Ruth Ann Wunder, report that Missy adjusted quickly to her new country and family. As Federationists know, Gary is the immediate past President of our Missouri affiliate. All of us share the sentiments expressed in the telegram from the Columbia, Missouri, NFB Chapter: "Welcome, Missy, to America and Columbia, Missouri. We are proud you are here and wish you nothing but the best."

****Guide Books Available:**

The 1984 Louisiana World Exposition is being held in New Orleans. Braille and large print are available for blind visitors. For further details call (504) 525-FAIR.

****Elected:**

We have received the following letter from Albert Sten:

"On the evening of May 2, the National Federation of the Blind of Greater Boston held its elections. The officers for the coming year—from June, 1984, to June, 1985—are as follows: President, Al Sten; First Vice President, Tom Cotter; Second Vice President, Mildred Hilliard; Treasurer, Frances Glassman; Recording Secretary, Karen Glazebrook; Corresponding Secretary, David Dillon; and Sergeant-At-Arms, Ethyl Barnard. The two additional executive board members are Pamela Gray and Catherine Morse.

****Randolph-Gashel Tapes Available:**

Dennis Ranker and Donna Munck write as follows:

"As an interested observer of and occasional advisor on vending stand conditions, I had the honor of attending, along with Federationists, non-Federationists, and even some ACB members, a special appreciation luncheon presented by the West Virginia Blind Merchants Division honoring Senator Jennings Randolph for his unique contribution to our economic viability through the original and subsequently amended Randolph-Sheppard Act. It was also my good fortune to obtain recording equipment which, though somewhat hampered by room acoustics, nonetheless picked up the remarks of Senator Randolph, Mr.

James Gashel, and others present. The Kanawha Valley Chapter and the Merchants Division are pleased to offer duplicate cassettes for sale to any and all interested parties. We hope to raise sufficient revenues to purchase NFB publications, films, etc. for distribution to both the Charleston Public Library and West Virginia Library for the Blind. Senator Randolph has graciously consented and lent his wholehearted approval to this undertaking. Each cassette costs \$5.00 and can be obtained by writing to me, Dennis Ranker, 126 Delaware Avenue, Apt. 3, Charleston, West Virginia 25302. For speedier results, please send postal money orders instead of checks. Checks and money orders should be made payable to KVCCNFBWV. Please print return name, address, city, and state in large block letters."

**Jury Duty:

Michael Killian of Bakersfield, California, recently sent us a newspaper article concerning jury service by him and Rick Lewis. He says that the newspaper is in error in stating that he is the first to have served in Kern County since he now knows of two others. Appearing in the May 2, 1984, edition of the Bakersfield Californian, the article says:

"Mike Killian can say confidently he can't see why people like him should not be on juries.

"Killian, 27, of Bakersfield became the first blind person in Kern County's history to finish serving as a trial juror when he helped reach a verdict last week in West Kern Municipal Court, Jury Coordinator Alice Jensen said.

"Killian's friend, Rick Lewis of Bakersfield, will be the second blind juror

to render a verdict when the trial he's participating in is concluded in Kern County Superior Court.

"Both Killian and Lewis are members of the Bakersfield chapter of the National Federation of the Blind which is dedicated to the effort of eliminating discrimination against blind persons."

**County Commissioners Act:

Tom Anderson (one of the leaders of the NFB of Ohio, who works tirelessly in the Youngstown and Mahoning Valley area) has been carrying on a strenuous campaign to have letters sent to Secretary of Education Terrel Bell to block the installation of fast food operations in federal buildings. So far, according to the local news media, more than a thousand letters have been sent to Secretary Bell from Ohio's Mahoning Valley. The May 16, 1984, edition of the Youngstown Vindicator carries an article headlined "County Backs Blind Vendors." The article says in part:

"Mahoning County commissioners signed a letter today urging federal authorities to preserve the exclusive right of blind vendors to operate food concessions in federal buildings.

"U.S. Secretary of Education Terrel Bell will decide soon whether fast food chains can operate in federal buildings.

"Thomas Anderson, a spokesman for the Ohio Chapter of the National Federation of the Blind, asked commissioners to sign a form letter opposing any outside competition this morning."

**Business Trends and Information Available to Blind:

Monitor readers who want to keep pace with the business world may be interested in a service offered by Newstrack

Executive Tape Service, Box 1178, Englewood, Colorado 80150. Twice a month this service produces and distributes a 90-minute cassette called Newstrack. Promotional literature for the service describes the cassette material as "...concise reports selected from over 70 key publications including FORTUNE, FORBES, ... HARVARD BUSINESS REVIEW ... THE WHARTON MAGAZINE ... and many more publications that advise and forecast business trends ..." The service costs \$195.00 per year, may be charged on American Express, Visa, or Mastercard, or paid for by check. Telephone orders or inquiries can be made to 800-525-8389 or collect in Colorado at 778-1692.

****Elected:**

Sharon Luka writes as follows:

"The Douglas County Chapter of the National Federation of the Blind of Kansas held a meeting on Monday, May 14, 1984. At that time we conducted our annual election of officers. Those elected were: President, Chuck Hallenbeck; First Vice President, Tom Anderson; Second Vice President, Loren Buntmeyer; Secretary, Sharon Luka; and Treasurer, Cindy Lou Hallenbeck."

****First Typist, Blind:**

The May 15, 1984, edition of the Minneapolis Skyway News reports:

"World's First Typist Was Blind. She was Countess Carolina Fantoni of Italy. A man named Pellegrine Turri built a crude typewriter for her in 1808. The letters she typed on it are preserved in Reggio Emilia city archives."

THE BRAILLE MONITOR
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